

<b>USCG / ECOLOGY MOA</b>	<b>Protocols Manual</b>	Procedure: 4 Page: Page 1 of 8 Revision: 0
<b>Facility Inspections</b>		

## **1. PURPOSE/SCOPE**

The purpose of this facility inspection protocol is to coordinate facility inspection activities to maximize the effectiveness of available Department of Ecology (“Ecology”) and the USCG District Thirteen (“USCG”) resources devoted to land-based oil-handling facility spill prevention. This protocol is also expected to leverage resources by bringing the diverse expertise of USCG and Ecology inspectors together to achieve safer facility transfer operations, while avoiding undue duplication of effort.

Instructions contained in this protocol apply to bulk transfer facilities listed in Appendix I that are currently regulated by Ecology and USCG.

## **2. AUTHORITY/REFERENCES**

Memorandum of Agreement on Oil Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the State of Washington executed May 25, 2001. Section V- Prevention of Oil Spills

A. Facility Inspections: Facility inspections are conducted by both Parties to ensure compliance with pollution prevention and response regulations. Both the State and the USCG have statutory responsibility for both offshore and onshore facilities and their operation within the State. Included in this responsibility is the requirement to establish regulations and inspection programs governing oil transfers at facilities. This includes regulations and inspections of oil transfer operations between facilities and tank vessels.

1. The Parties will coordinate their respective inspection and monitoring activities to the extent practicable to utilize the resources of both Parties efficiently and effectively. Cognizant inspectors from both Parties may carry out inspections and other activities jointly when appropriate.

2. Ecology will promptly inform the cognizant MSO, and the Coast Guard will promptly inform Ecology of any situation or circumstance relative to facilities on or near State waters whose operation or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, and/or the environment.”

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3. Both agencies agree to establish this protocol to maximize the effectiveness of available resources to prevent spills from land-based facilities to protect the Washington State marine environment.
4. The Coast Guard agrees to institute a program for state inspection of facilities currently under both State and USCG federal jurisdiction. Facilities that are currently under federal jurisdiction only will continue to be regulated under Federal laws and regulations.
5. Ecology inspectors may inspect those facilities identified under this protocol for compliance with federal laws and regulations.
6. Ecology will inform USCG of any significant non-compliance with Federal laws and regulations discovered during facility inspections immediately.
7. The Coast Guard maintains authority to take regulatory action based on inspections performed by Ecology inspectors.
8. The Coast Guard agrees to provide all the information necessary for Ecology to conduct facility inspections to determine compliance with Federal laws and regulations.

***Ecology***

Statutes

RCW 90.48

RCW 90.56

Regulations

WAC Chapter 173-180A

WAC Chapter 173-180B

WAC Chapter 173-180C

WAC Chapter 173-180D

WAC Chapter 173-181

Documents/Form

Facility inspection checklist\*

Facility operations manuals\*

Facility spill prevention plans\*

(\* for facilities currently regulated under Washington State oil spill prevention regulations)

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## ***USCG***

### Statutes

33 USC 1231 (j)(1) (C ), (j)(5), (j)(6), m(2)

49 CFR 1.46

### Regulations

33 CFR Part 154

### Documents/Forms

Waterfront Facility Compliance Booklet, CG-5562A (Rev1-97)

Operations Manual Contents Checklist 33 CFR154.310 (Rev 2/99)

U. S. Coast Guard Facility Inspection Report (version 7/1/93)

## **3. EFFECTIVE DATE/POINTS OF CONTACT**

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

### ***Ecology***

Prevention Section Manager

Spills Program

Phone: (360) 407-7465

Fax: (360) 407-7288

Mailing Address: Washington Department of Ecology, Spills Program,  
P.O. Box 47600, Olympia, WA 98504-7600

### ***USCG***

Chief, Environmental Response Branch, MSO Portland

Phone: (503) 240-2566

Fax: (503) 240-9345

Mailing Address: USCG, MSO, 6767 N. Basin Ave., Portland, OR 97217

Chief, Environmental Response Branch, MSO Puget Sound

Phone: (206) 217- 217-6164

Fax: (206) 217-6345

Mailing Address: USCG, MSO Puget Sound, 1519 Alaskan Way S., Seattle, WA 98134-1192

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#### **4. POLICIES**

- It is the policy of the USCG and Ecology to follow the policies and procedures listed in this protocol when conducting spill prevention activities for all regulated land-based facilities.
- It is the policy of the USCG and Ecology to coordinate facility inspections to increase effectiveness and avoid duplication of effort to the maximum extent possible.
- It is the policy of the USCG and Ecology that documents shared with Ecology will be done pursuant to the Disclosure of Records protocol.
- It is the policy of the USCG and Ecology to share any significant non-compliance violations observed at any regulated facility.
- It is the policy of the USCG and Ecology to share facility inspection results regularly.
- It is the policy of the USCG and Ecology to share information related to facility spill prevention for any land-based bulk transfer facility.
- It is the policy of the USCG and Ecology to regularly review the results of facility inspections to identify any preventive measures that need to be addressed to further enhance the protection of the Washington State marine environment.
- It is the policy of the USCG and Ecology to provide training and familiarization to ensure consistency in application of applicable federal regulations.

#### **5. STANDARD OPERATING PROCEDURES**

##### ***Frequency of Communication***

- Ecology will provide USCG with copies of facility inspection reports and a list of facilities to be inspected monthly.
- Ecology will inform USCG of any significant Federal violations observed during facility inspections immediately.
- Ecology will inform the cognizant MSO promptly and the USCG will inform Ecology promptly of any situation at any facility that may pose significant threat to the public health and safety or the environment.
- Ecology and USCG facility inspectors meet semi-annually to discuss and to resolve any issues that may affect the facility inspection efforts.
- Ecology Prevention Section Manager and the USCG Compliance Officers meet annually to review the facility inspection results and to identify issues related to spill prevention that need to be addressed to further enhance the facility inspection efforts.

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- F. Ecology Prevention Section Manager and the USCG Compliance Officers meet annually to review protocol effectiveness. This may be conducted in conjunction with previously listed meetings.

***USCG Task Detail***

The Compliance Officers will oversee the following tasks:

- A. Provide Ecology with a priority list for facility inspections and assist in establishing facility inspection schedules.
- B. Review inspection reports provided by Ecology and provide feedback to Ecology as needed.
- C. Coordinate enforcement actions with Ecology for the facilities that are currently jointly regulated by the USCG and Ecology.
- D. Provide all the necessary facility information for Ecology to conduct facility inspections.

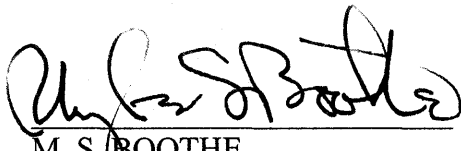
***Ecology Task Detail***

The Prevention Section Manager will oversee the following tasks:

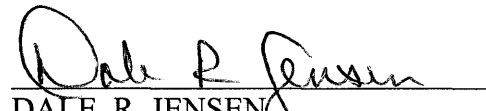
- A. Communicate and resolve any issues that may affect the Ecology's ability to conduct facility inspections with the USCG.
- B. Establish facility inspection schedules and checklists and coordinate any joint facility inspections with the USCG.
- C. Provide USCG with copies of facility inspection reports and updated facility inspection schedules monthly.
- D. Provide findings of non-compliance and any related facility information to assist USCG in conducting enforcement actions.

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**6. APPROVAL**

  
M. S. BOOTHE  
United States Coast Guard  
Thirteenth Coast Guard District  
Chief, Marine Safety Division

DATE: 5/30/2003

  
DALE R. JENSEN  
Washington State Department of Ecology  
Spills Program Manager

DATE: 5-30-03

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## Appendix I

<b>MSO PUGET SOUND/DOE FACILITIES</b>	
<b><i>Facility Name</i></b>	<b><i>Location</i></b>
BP Harbor Island Terminal (Terminal 11)	Seattle
BP Cherry Point Refinery	Blaine
Chevron USA, Inc.	Seattle
Shell	Anacortes
Kinder Morgan	Seattle
Island Petroleum Services (Orcas Island)	Friday Harbor
Island Petroleum Services (Roche Harbor)	Friday Harbor
Manchester Naval Supply Center	Poulsbo
McNeil Island Corrections Center	Steilacoom
Naval Air Station Whidbey Island	Oak Harbor
Shell	Harbor Island
Port Townsend Paper Corporation	Port Townsend
Rainier Petroleum Corporation	Seattle
Simpson Tacoma Kraft Company	Tacoma
Sound Refining, Inc.	Tacoma
Shore Terminal	Tacoma
Tesoro Oil Company	Anacortes
Tesoro Port Angeles	Port Angeles
Conoco Philips (Tacoma)	Tacoma
Conoco Phillips (Ferndale)	Ferndale
U.S. Oil & Refining Co. (Tacoma)	Tacoma

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<b>MSO PORTLAND/DOE FACILITIES</b>	
<b>Facility Name</b>	<b>Location</b>
Chevron	Pasco
Fort James	Camas
Longview Fibre Company	Longview
Tesoro West Coast Company	Vancouver
Tidewater Terminal Co., Inc.	Pasco
Tidewater Terminal Company	Clarkston
Weyerhaeuser Company	Longview